

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>WELLINGTON STUBBS,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	<b>NO. 10-3200</b>
<b>MICHAEL NUTTER, EVERETT</b>	:	
<b>GILLISON, CITY OF PHILADELPHIA,</b>	:	
<b>BILL JOHNSON, TIM REDDICK, and</b>	:	
<b>CARY KING,</b>	:	
<b>Defendants.</b>	:	
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**ORDER**

**AND NOW**, this 30th day of August, 2010, upon consideration of defendants' Motion to Dismiss in Part (Document No. 4, filed August 2, 2010), and Plaintiff's Opposition to the Defendants' Motion to Dismiss in Part the Complaint Under Federal Civil Procedure Rule 12(b)(6) with a Motion Under Federal Civil Procedure Rule 15 to Amend Should the Court Deem an Amendment Necessary (Document No. 5, filed August 12, 2010), for the reasons set forth in the Memorandum dated August 30, 2010, **IT IS ORDERED** as follows:

1. Defendants' Motion to Dismiss in Part is **GRANTED**;
2. Plaintiff's Section 1983 Fourteenth Amendment claims – alleging violations of the Equal Protection Clause and substantive and procedural due process rights – are **DISMISSED WITHOUT PREJUDICE** as to all defendants;
3. Plaintiff's wrongful termination claim against the City of Philadelphia is **DISMISSED WITH PREJUDICE** by agreement;
4. Plaintiff is **GRANTED LEAVE** to file and serve an amended complaint within 20 days if warranted by the facts; and,

5. A preliminary pre-trial conference will be scheduled in due course.

**BY THE COURT:**

/s/ Jan E. DuBois  
**JAN E. DUBOIS, J.**